



RESPONSES TO INFORMATION REQUESTS (RIRs)

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24 March 2003

RUS41401.E

Russia: Information on the propiska or propiska-like registration system in Russia; regions with propiska-like registration systems; governing authority; its application in practice; effect on individuals lacking registration; reports of corruption in registration
Research Directorate, Immigration and Refugee Board, Ottawa

The Soviet system of residence registration *propiska* was replaced in 1993 by the statute "On the Right of Russian Citizens to Liberty of Movement and Choice of Temporary or Permanent Residence within the Russian Federation" (COE 13 Nov. 2001, 25). The significant change in the current system of residence registration is that it requires simple notification of local authorities rather than official permission to register one's residence (ibid.; ibid. 12 Oct. 2001, para. 14; ACCORD/UNHCR 28 Nov. 2002, 209).

Theoretically, residence registration in a given location entitles an individual to reside in or, having sojourned elsewhere to return to the registered location (UNHCR Jan. 2002, 17). The law further differentiates between permanent residence registration and temporary residence for those visiting, or sojourning (the law specifies no maximum time period for a visit, but later measures adopted by the government set a six-month limit) (COE 12 Oct. 2001, para. 15; ibid. 13 Nov. 2001, 25). According to this law, places of sojourn include "a hotel, a sanatorium, a rest home, a boarding house, a camping site, a tourist centre, a hospital or any other similar location as well as living premises where a citizen does not reside permanently" (UNHCR Jan. 2002, 18). This information is stamped onto the page of the individual's internal passport containing the place of permanent residence (ibid. 19).

The United States Department of State indicates that there are four internal documents for the Russian Federation, the internal passport, including the "older 'CCCP model'" and the new internal "purple Russian Federation document," the temporary certification in lieu of an internal passport, foreigner's residence permit, and the residence permit for stateless persons (20 Feb. 2003). However, NBC News described Moscow's residency registration document as "a small white slip of paper with a stamp" (7 Aug. 2002).

Two reports point to the local Ministry of the Interior offices as the bodies responsible for receiving permanent registration, issuing and renewing passports and, in the case of sojourn, stamping passports with residence information (UNHCR Jan. 2002, 17, 19; United States 20 Feb. 2003). For example, 1999 municipal residence directives in Moscow require that all non-Muscovites "register with the City Department of the Interior within three days" of arrival (*New York University Law Review* Apr. 2001, 353). However, Svetlana Gannushkina of the Russian non-governmental organization Memorial reported that Moscow-based commercial firms with websites and open addresses "provide registration at the place of sojourn, both temporary and permanent, together with Russian citizenship ... and no measures are taken to check whether their activities are legal" (ACCORD/UNHCR 28 Nov. 2002, 209). In addition, Gannushkina noted that "[r]egistration for a few days can be purchased at a railway terminal" (ibid.).

Additional information on the current residence registration system, more recent than that found in RUS29376.EX of 27 May 1998, can be found in the *New York University Law Review* article "Life in Russia's 'Closed City:' Moscow's Movement Restrictions and the Rule of Law," and a conference report on the Russian Federation published in 2002 by the United Nations High Commissioner for Refugees (UNHCR) and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), both of which are available online at the web addresses provided below.

Residence Registry in Practice (2001-2003)

In practice, the old form of propiska, which required official permission to register residence, remains in effect, although in a "modified" form according to a presentation by Galina Vitkovskaya of the International Organization for Migration (IOM) (Vitkovskaya 22 June 2002, 20). She reiterates a 1997 Russian report by

quoting that even where restrictive measures were not introduced, 'practically everywhere a permission-based procedure for registering ... is substituted for the notification-based procedure' (ibid. 21). Since the official propiska system was abolished, some localities have introduced "restrictive" regulations or administration practices that are particular to a region and its administration (UNHCR Jan. 2002, 9; ACCORD/UNHCR 28 Nov. 2002, 209). The UNHCR blames this on a "partial failure of the state organs," such as the Constitutional Court and the Office of the Human Rights Commissioner, or Ombudsman, to control the registration directives issued by local authorities when they are not in line with federal law (Jan. 2002, 9). Similarly, Gannushkina considers local administrations lacking in appropriate oversight of registration officials (ACCORD/UNHCR 28 Nov. 2002, 209).

Registration stipulations introduced locally and not in line with federal law include the requirement to have family ties in a specific region and proof of registration elsewhere within the same region (COE 13 Nov. 2001, 25). According to Galina Vitkovskaya, 30 per cent of the individuals from five regions of Russia responded to her questions that they were denied registration because of "insufficient housing space" referring to "sanitary norms" requiring a minimum floor space per person in each house (Vitkovskaya 22 June 2002, 20). One report indicates that a period of habitation before registration might be required by some regional laws (ACCORD/UNHCR May 2001, 32), while a second notes that proof of Russian citizenship has also been imposed as a condition for obtaining residency registration in some regions (COE 13 Nov. 2001, 25).

For the "hundreds of thousands of 'transient' visitors in Moscow" each year, a registration stamp is "a privilege to those lucky enough to have been born [in Moscow] or savvy enough to have attained one on the sly" (NBC News 7 Aug. 2001). Gannushkina noted that "frequently" individuals are faced with obstacles in the registration procedure (ACCORD/UNHCR 28 Nov. 2002, 209). Jean-Paul Cavalieri of the UNHCR's Moscow branch further reported that, while, by law, temporary registration should not be limited in its timeframe, "it is the usual practice for the police to set a deadline" requiring the renewal of sojourn registration in one, three or six months (ibid., 260).

Social Rights of Those Without Registration

Amnesty International reported that those who fail to obtain registration are vulnerable to arbitrary arrest, torture and ill treatment by police (Oct. 2002). UNHCR representative Cavalieri noted that, while legally those without registration can receive health care and find employment, in practice registration is necessary for "most of the basic civil rights" (ACCORD/UNHCR 28 Nov. 2002, 259). According to the Council of Europe (COE) the "[a]bsence of registration leads in practice to [the] deprivation of most social and economic rights," including health care, education, social benefits and property rights (COE 12 Oct. 2001, paras. 87, 98). With specific reference to Moscow, NBC News lists the rights to vote, work legally, receive social or medical services, send children to school, obtain a driver's license, legally rent a hotel room or apply for burial as being denied without proof of registration (7 Aug. 2002).

Those found in breach of registration rules, according to Gannushkina, "may be subjected to administrative fines, detention, eviction from apartments, or even expulsion from city boundaries" (ACCORD/UNHCR 28 Nov. 2002, 209). The UNHCR reported that displaced Chechens in Moscow "encountered serious problems regarding their legal status, residence, and sometimes faced vigorous and repeated security checks, eviction from their apartments and harassment by other groups of the local population" (Jan. 2002, 14). Another source indicates that visible minorities living in Moscow become easy targets for police fines when they lack registration, although unregistered Russians are also fined (NBC News 9 Aug. 2002).

Corruption

Gannushkhina was of the opinion that the high level of corruption prevents effective implementation of notification-only registration laws since, as Cavalieri noted, "legal or illegal fees" have to be paid to obtain sojourn registrations (ACCORD/UNHCR 28 Nov. 2002, 209, 260). Displaced Chechens reportedly face requests for unsanctioned "payment of 'fees' to local officials" when attempting to renew sojourn registrations in Moscow (UNHCR Jan. 2002, 18). In writing about the restrictions imposed by Moscow's registration rules, Damian S. Schaible refers to the solicitation and payment of bribes in the registration process and states that, "[f]rom a practical perspective, unofficial restrictions imposed by city authorities are said to limit registrations to those with the financial means either to buy property or to pay large bribes" (*New York University Law Review* Apr. 2001, 356n.68).

Localities

A comprehensive list of regions, cities or administrative entities that are currently violating federal freedom of movement laws in Russia was not found among the sources consulted by the Research Directorate. In January 2002, the UNHCR noted that "[t]here is [a] scarcity of information concerning the possible violation

of federal rules on freedom of movement by eastern and far-eastern regions of the Federation" (16). Vitkovskaya noted that the restrictive registration policies in urban centres resulted in forced migrants resettlement and re-registration in the rural regions of Russia (22 June 2002, 21).

In 1998, Russian federal authorities struck down propiska-like registry regulations in Adygeya Republic, Kabardino-Balkaria, Krasnodar Krai, Stavropol Krai, Rostov-on-Don, St. Petersburg, Moscow city, Moscow region and North Ossetia-Alania (ibid., para. 24). However, in 2000 the Russian Federation's human rights Ombudsman repeated a number of these regions as in breach of federal legislation in a report on the freedom of movement in Russia, which listed: Adygea Republic, Amur region, Arkhangelsk region, Chuvashia, Kabardino-Balkaria, Kaliningrad region, Kazan, Krasnodar Krai, Kurgan region, Leningradskaya region, Mari-El Republic, Nizhni-Novgorod, Moscow city, Moscow region, Murmansk region, Smolensk region, Stavropol Krai, St. Petersburg, Tatarstan, Volgograd and Yaroslavl region (Russia 15 Sept. 2000). Stavropol Krai reportedly abolished their local stipulations impacting the situation of migrants on 13 July 2000 (COE 12 Oct. 2001, para. 29).

A number of sources refer to the city of Moscow as maintaining a propiska-like registration program (COE 13 Nov. 2001, 25n.37; ibid. 12 Oct. 2001, paras. 26-28; Vitkovskaya 22 June 2002, 20-21; AI Oct. 2002; ACCORD/UNHCR 28 Nov. 2002, 209; UNHCR Jan. 2002, 14-16; *New York University Law Review* Apr. 2001). In addition, St. Petersburg and Krasnodar Krai are indicated as having strict controls on registration (COE 12 Oct. 2001, para. 87). The Ombudsman cited Krasnodar in an October 2000 report as a place where individuals, seeking registration but lacking kinship, ethnic or cultural ties to the region, face "considerable difficulties" in obtaining registration (UNHCR Jan. 2002, 13). Gannushkhina noted that the "head of Krasnodar Kray, Katchev, passed legislation ... under which migrants are not even allowed to enter the region of Krasnodar [and the intention to] forcibly expel everyone with a family name of non-Russian origin, including Armenians, Meshketian Turks, Kurds and Georgians, from the territory of Krasnodar (ACCORD/UNHCR 28 Nov. 2002, 213).

Elsewhere, the Ombudsman reported that Kabardino-Balkaria enforces a "direct ban" on the sojourn or residence of "Russian citizens from other regions of the Federation who do not have close ties with Kabardino-Balkaria residents" (ibid.). According to the UNHCR, displaced Chechens with permanent registration in Chechnya face a sojourn registration process in Moscow that has been described as "impossible" (ibid. 14), and "restrictive" in North Ossetia-Alania (ibid.) and St. Petersburg (ibid. 15).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

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Gannushkina was identified as the Chairperson of Russian NGO Memorial Legal Network and Cavalieri as a Senior Protection Officer for the UNHCR in Moscow.

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<http://www.ceu.hu/cps/eve/eve_xenophobia_vitkovskaya.pdf> [Accessed 10 Mar. 2003]

Vitkovskaya presented this paper as a representative of the International Organization for Migration, Moscow.

Additional Sources Consulted

Unsuccessful attempt to contact a representative for the Hebrew Immigrant Aid Society's Moscow office

Unsuccessful attempt to contact a Senior Researcher at the Russian Academy of Science's Laboratory on Migration

Unsuccessful attempt to contact the Moscow Bureau of the International Organization for Migration

Internet sites, including:

Adjudicative Desk Reference

Country Assessments (April and October 2002)

Country Reports 2002

Democracy.ru

Global IDP Project

Global Survey of Group Classification on National ID Cards

International Organization for Migration

Radio Free Europe/Radio Liberty (RFE/RL)

Union of Councils for Jews in the Former Soviet Union (UCSJ)

United States. Social Security Administration

Visa Reciprocity and Country Documents Finder

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